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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **NIHEI, Mizuhisa, et al.**

Group Art Unit: **2894**

Serial No.: **10/796,146**

Examiner: **PHAM, Thanhha S.**

Filed: **March 10, 2004**

P.T.O. Confirmation No.: **2043**

For. **SEMICONDUCTOR DEVICE AND MANUFACTURING METHOD THEREOF**

**INFORMATION DISCLOSURE STATEMENT AND**  
**STATEMENT PURSUANT TO 37 CFR 1.97(c)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

May 4, 2009

Sir:

The attention of the Patent and Trademark Office is hereby directed to the document listed on the attached Form PTO-1449. One copy of the document is attached. This document was cited in the Japanese Office Action dated April 7, 2009, for the corresponding Japanese patent application No. 2003-340404. A copy of the Office Action is enclosed. The other two references cited in the Office Action were previously submitted in the USPTO with an Information Disclosure Statement filed on March 5, 2008.

This Information Disclosure Statement is being submitted after issuance of a first official action on the merits and expiration of the three month period following the filing date or the entry in the national stage for the above-captioned application, but prior to issuance of either a final official action, a Notice of Allowance, or an action that otherwise closes prosecution in the application.

The undersigned hereby certifies

XX that no item of information contained in this statement was cited in a communication

**U.S. Appln. Ser. No.: 10/796,146**  
**Information Disclosure Statement**  
**Filed on May 4, 2009**

from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no information contained in this statement was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this statement.

The above information is presented so that the Patent and Trademark Office may, in the first instance, determine any materiality thereof to the claimed invention. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references cited in the attached Form PTO-1449 be made of record therein and appear on the first page of any patent to issue therefrom.

The Commissioner is authorized to charge Deposit Account No. 01-2340 for any fee which is deemed by the Patent and Trademark Office to be required to effect consideration of this statement.

Respectfully submitted,

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**23850**

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Enclosures: PTO-1449; 1 reference and Japanese Office Action with partial English translation.